
Appendix A

Notice of Preparation and Comment Letters



CITY OF SCOTTS VALLEY

PLANNING DEPARTMENT

1 Civic Center Drive • Scotts Valley • California • 95066
Phone (831) 440-5630 • Facsimile (831) 438-2793 • www.scottsvally.org

November 8, 2019

City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

RE: Notice of Preparation of an Environmental Impact Report for the Oak Creek Park Project

As the Lead Agency, the City of Scotts Valley will prepare an Environmental Impact Report (EIR) for the Oak Creek Park Project (APN 022-162-76). The City welcomes the Office of Planning and Research (OPR), trustee and responsible agencies input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. This notice is also being mailed to the property owners within 300 feet of the project, as a courtesy, to let them know that an EIR is being prepared. There will be future opportunities for the public to comment on the EIR and project such as when the draft EIR is complete and becomes available for public review.

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project are attached. For the public notice, the attachment to this letter can be found at the following link on the City website:

<https://www.scottsvally.org/358/Oak-Creek-Park---Mixed-Use-Development>

Per State law, the deadline for your response is 30 days after receipt of this notice, on or before December 9, 2019; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

Paula Bradley, AICP
Contract Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066
pbradley@mbakerintl.com
831/440-5632

Sincerely,



Paula Bradley, AICP
Contract Planner
City of Scotts Valley
Community Development Department

Notice of Preparation of an Environmental Impact Report for the Oak Creek Park Project

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of reducing adverse impacts, and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts.

Project Location

The project site is located on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road in the City of Scotts Valley. See [Figure 1: Project Location](#).

Project Background

The project site is currently vacant. In 1991, the City approved a three-lot subdivision to build three commercial buildings, however, the project was never constructed. In 1997, the City approved the Oak Creek Park Business Center to create three lots and build three commercial buildings (two 2-story buildings and one 1-story building), subject to mitigation measures. The one-story building was built at 3600 Glen Canyon Road. The approved two 2-story buildings (approx. 48,000 square feet) were not built. In 2008, the City reviewed a project to create 13 lots and build two one-story commercial buildings (24,500 sf.) and a two-story, 10-unit townhouse building. The applicant later withdrew their application and this project was never constructed.

Project Description

The project is a mixed-use commercial (24,973 sf.) and residential (52 units, 55,055 sf) development. A Parcel Map is required to subdivide the 3.56 acre project site into 2 lots; a residential lot and a mixed-use lot, as shown in [Figure 2: Site Plan](#).

Lot 1 (45,250 sf / 1.03 acre) would be rezoned and redesignated from C-S Commercial Service to R-M-6 Medium High Density (6,000 sq. ft. minimum lot size, 7.5 dwelling units/acre) for eight townhouse-style three-bedroom apartment units and associated parking and site improvements.

Lot 2 (43,255 sf / 2.52 acres) includes the construction of mixed-use commercial and residential apartments in two buildings and would remain C-S Commercial Service zoning district. Building A is comprised of a partially below-grade, parking garage, one level of commercial (15,063 sf) and two levels of residential above. The residential units include a mix of studios, one and two bedroom apartments, totaling 44 units. Building B is a two-story, 9,910 sf. commercial use. The primary use on Lot 2 would be commercial and secondary use would be residential. See [Figures 3a-c: Simulated Views of the Proposed Project](#).

The project would include 208 parking spaces. Project construction would require the removal of nine protected trees (6 oaks, 1 pine and 2 sycamores).

In addition to certification of a Final EIR, the proposed project will require the following City approvals:

- General Plan Amendment to change the existing land use designation on Lot 1 from Commercial-Service (C-S) to Medium High Residential/Planned Development (R-M-6)
- Zone Change on Lot 1 C-S to Medium High Residential/Planned Development (R-H/PD)
- Planned Development
- Minor Land Division
- Use Permits
- Design Review

Project Alternatives

The Draft EIR will include an evaluation of various alternatives including a no-action alternative. Other alternatives will include an alternative consistent with current CS zoning and a reduced density alternative. Additional alternatives will be considered based on comments received on this NOP and the analysis of impacts in the Draft EIR.

Potential Environmental Impacts of the Proposed Project

The EIR will describe the existing environmental conditions on the project site and will identify the significant environmental impacts anticipated to result from development of the project as proposed. Where potentially significant environmental impacts are identified, the EIR will also

discuss mitigation measures that may make it possible to avoid or reduce significant impacts, as appropriate.

The level of analysis in the EIR for each environmental resource is described below.

Aesthetics

The EIR will discuss the visual setting and any impacts that would potentially occur as a result of the project.

Agriculture

The project site is not used for agricultural purposes so this environmental resource topic will not be addressed in the EIR, apart from a brief analysis under the EIR section “Environmental Resources Considered But Eliminated.”

Air Quality

The EIR will describe the existing air quality conditions in and adjacent to the project site and will evaluate the project’s potential air quality impacts, including short-term air quality impacts associated with construction and consistency with guidelines as defined by the Monterey Bay Air Resources District.

Biological Resources

The project site is vacant and supports annual grassland, a small patch of coastal prairie, coast live oak tree groves, a poison oak thicket, and non-native tree groves (acacias and other landscape trees).

The EIR will describe the characterize and map the major plant communities within the proposed project area. It will also identify sensitive biotic resources, including habitats, plant or wildlife species of concern including the potential for presence of the Mt. Hermon June beetle, a federally listed species. The EIR will evaluate the potential effects of the proposed project activities on sensitive biotic resources and recommend measures to avoid or reduce such impacts.

Cultural Resources

The subject property is located in a mapped area of “moderate archaeological sensitivity” in the General Plan Conservation & Open Space Figure OS-2, "Archeological Sensitivity Zones". Due to the level of earth disturbance required, archaeological monitoring will be required as a standard condition of approval

The EIR will discuss potential impacts to various cultural resource classes (i. e. Native American sites, potential historical resources) within the project site and will include mitigation measures to reduce potential impacts to a less than significant level.

Geology and Soils

The property is not located within a State of California Earthquake Fault Zone (formerly known as Alquist-Priolo Special Study Zone) and no mapped fault traces are known to cross the site. The property is not located in the General Plan Safety Element Map S-4 “Landslide Deposits”. The subject property is not mapped in the General Plan Safety Element Map S-5 “Slopes”.

The EIR will discuss the existing geologic and soil conditions, including potential impacts from seismic activity, on the project site, and will discuss the potential for the project to result in impacts to geology and soils on the site.

Greenhouse Gas Emissions

The EIR will examine the potential for the project to result in global climate change impacts due to greenhouse gas emissions.

Hazards and Hazardous Materials

The project property is not included on a list of sites from Santa Cruz County Environmental Health Services Agency, where hazardous materials were previously used or stored. General Plan Safety Element Figure S-6 “Evacuation Routes” shows Mt. Hermon Road as a primary evacuation route in the City’s Emergency Response Plan. The addition of the project will not change the function of Mt. Hermon Lane as a primary evacuation route. A Phase I Environmental Assessment (Phase I) will be prepared for the project site.

The EIR will summarize the findings of the Phase I and discuss the project’s potential to create significant hazards to the public or environment or emit hazardous emissions or handle hazardous materials.

Hydrology and Water Quality

Development of the project will create impervious surfaces and thereby reduce the area available for groundwater infiltration. Although the subject property is located in a mapped area of “High Protection/ Recharge” in the General Plan Conservation and Open Space Element Figure OS-5 (Hydrological Resources), the project site was mistakenly included in this mapped area, which would require a detailed hydrological evaluation to mitigate the loss of recharge for all proposed construction. At the south part of the site, about 66% or more of the underlying soils are Danville loam, which have slow infiltration rate when thoroughly wet, and a slow rate of water transmission. Based on an analysis done by Kennedy/Jenks in 2011 for the Scotts Valley Water District, and confirmation by the District Executive, the project site is considered not to be suitable for groundwater recharge.

The EIR will discuss the hydrologic and hydraulic conditions on the project site as well as drainage conditions in the project area and the potential for flooding. Potential water quality impacts and conformance with the Scotts Valley Stormwater Technical Guide (2104), as well as applicable Regional Water Quality Control Board requirements, will be addressed.

Land Use and Planning

The EIR will discuss the proposed project's consistency with adopted plans and policies.

Mineral Resources

The subject property is located in a mapped area of "Resource Zone Undetermined" (1994 General Plan Conservation and Open Space Element, Figure OS-4, "Mineral Resource Zones").

The project site is not used for any mining or quarrying activity. As such, this environmental resource topic will not be addressed in the EIR, apart from a brief analysis under the EIR section "Environmental Resources Considered But Eliminated."

Noise

Most of the project site is located in noise contours ranging from 60 to 70 dBA, as shown in General Plan Noise Element Figure N-1, "Existing Noise Contours". The General Plan Noise Element uses the 24-hour average day-night noise level (DNL) for defining community noise impacts. The maximum standard is 60 decibels (dB) DNL of exterior noise and 45 dB DNL for interior noise.

The EIR will include a discussion of noise impacts primarily resulting from project construction. The analysis will identify the existing setting and the noise levels associated with construction activities. Post-construction project operations are not expected to increase noise levels beyond what is currently occurring at the site. Conformance to the City of Scotts Valley's noise guidelines will be analyzed.

Population and Housing

The proposed project would result in a relatively small increase in population and housing that is well within the land use buildout capacity projections identified within the City of Scotts Valley General Plan (1994) as well as the Association of Monterey Bay Area Government's 2018 Regional Growth Forecast for the City of Scotts Valley.

As such, this environmental resource topic will not be addressed in the EIR, apart from a brief analysis under the EIR section "Environmental Resources Considered But Eliminated."

Public Services and Recreation

Although the proposed project is an in-fill project located within an urban environment, impacts to public services and recreation will be evaluated. The EIR will assess the potential for the project to result in substantial adverse physical impacts to public services (such as fire and police protection services) and the potential for the project to impact public recreation facilities.

Transportation and Traffic

The EIR will describe the existing roadway conditions in and around the site, including the local streets and intersections, and provide an analysis of impacts including those impacts that would

occur during construction. This will include potential construction and long-term impacts to local city roadways and Caltrans facilities (i.e. Highway 17) in the immediate surroundings.

Intersections to be analyzed are:

1. Mt. Hermon Road / Spring Lakes Drive (Signalized)
2. Mt. Hermon Road / Scotts Valley Drive (Signalized)
3. Mt. Hermon Road / Glen Canyon Road (Signalized)
4. Mt. Hermon Road / La Madrona Drive / SR 17 Southbound off-ramp (Signalized)
5. Bean Creek Road / Scotts Valley Drive (Signalized)
6. Glen Canyon Road / Project Driveway (Unsignalized)
7. Mt. Hermon Road / Project Driveway (Unsignalized)

The traffic analysis will address both level of service (LOS) and vehicle miles travelled (VMT).

Utilities and Service Systems

The Utilities and Service Systems section of the EIR will address water supply, wastewater, electricity, natural gas, and communications. Project-related demand for facilities and services will be estimated and compared against existing capacity and proposed future capacity associated with the proposed project. Anticipated impacts will be assessed based upon a comparison of the increased demand for services and utilities and the ability of the City and other utility districts to accommodate this increased demand.

Cumulative Impacts

The EIR will include a discussion of the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the area. The analysis will include a discussion of all projects for which applications have been filed. This section will cover all relevant subject areas discussed in the EIR and will specify which of the areas are anticipated to experience significant cumulative impacts.

Other Required Sections

The EIR will also include, as appropriate, other information typically required for an EIR. These other sections include the following: 1) Growth Inducing Impacts; 2) Significant, Unavoidable Impacts; 3) Significant Irreversible Environmental Changes; 4) References; and 5) EIR Authors. Relevant technical reports will be provided in a technical appendix.

Figure 1: Project Location Map



Figure 3a: Simulated View of Proposed Project Looking East on Mt. Hermon Road



Figure 3b: Simulated View of Proposed Project Looking North from Mount Hermon Road



Figure 3c: Simulated View of Proposed Project Looking West from Glen Canyon Road





Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

Notice of Preparation

RECEIVED

NOV 19 2019

November 14, 2019

CITY OF SCOTTS VALLEY

To: Reviewing Agencies
Re: Oak Creek Park Project
SCH# 2019110250

Attached for your review and comment is the Notice of Preparation (NOP) for the Oak Creek Park Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Paula Bradley
Scotts Valley, City of
1 Civic Center Drive
Scotts Valley, CA 95066

with a copy to the State Clearinghouse in the Office of Planning and Research at state.clearinghouse@opr.ca.gov. Please refer to the SCH number noted above in all correspondence concerning this project on our website: <https://ceqanet.opr.ca.gov/2019110250/2>.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Denise Peterson

California Coastal Commission
Allyson Hitt

Colorado River Board
Elsa Contreras

Dept. of Conservation
Crina Chan

Cal Fire
Dan Foster

Central Valley Flood Protection Board
James Herola

Office of Historic Preservation
Ron Parsons

Dept of Parks & Recreation Environmental Stewardship Section

S.F. Bay Conservation & Dev't. Comm.
Steve Goldbeck

Dept. of Water Resources Agency
Nadell Gayou

Fish and Wildlife

Dept. of Fish & Wildlife
Scott Flint
Environmental Services Division

Fish & Wildlife Region 1
Curt Babcock

Fish & Wildlife Region 1E
Laurie Harnsberger

Fish & Wildlife Region 2
Jeff Drongesen

Fish & Wildlife Region 3
Craig Weightman

Fish & Wildlife Region 4
Julie Vance

Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M
William Paznokas
Marine Region

Other Departments

California Department of Education
Lesley Taylor

OES (Office of Emergency Services)
Monique Wilber

Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

Dept. of General Services
Cathy Buck
Environmental Services Section

Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

Independent

Commissions/Boards

Delta Protection Commission
Erik Vink

Delta Stewardship Council
Anthony Navasero

California Energy Commission
Eric Knight

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission
Supervisor

Santa Monica Bay Restoration
Guangyu Wang

State Lands Commission
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)
Cherry Jaques

Cal State Transportation Agency CalSTA

Caltrans - Division of Aeronautics
Philip Crimmins

Caltrans - Planning HQ LD-IGR
Christian Bushong

California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Susan Zanchi

Caltrans, District 4
Patricia Maurice

Caltrans, District 5
Larry Newland

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Caltrans, District 8
Mark Roberts

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Maureen El Harake

Cal EPA

Air Resources Board

Airport & Freight
Jack Wursten

Transportation Projects
Nesamani Kalandyur

Industrial/Energy Projects
Mike Tollstrup

California Department of Resources, Recycling & Recovery
Kevin Taylor/Jeff Esquivel

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Div. Drinking Water #

State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board
Phil Crader
Division of Water Rights

Dept. of Toxic Substances Control Reg. #
CEQA Tracking Center

Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

RWQCB 1
Cathleen Hudson
North Coast Region (1)

RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB 3
Central Coast Region (3)

RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

RWQCB 5S
Central Valley Region (5)

RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

RWQCB 5R
Central Valley Region (5)
Redding Branch Office

RWQCB 6
Lahontan Region (6)

RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

RWQCB 7
Colorado River Basin Region (7)

RWQCB 8
Santa Ana Region (8)

RWQCB 9
San Diego Region (9)

Other

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



Date: December 6, 2019
Environmental Document Review
NOP – Draft EIR
SCH#: 2019110250

Paula Bradley, AICP
Contract Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Bradley:

The above referenced Notice of Preparation of an Environmental Impact Report was reviewed by the Resource Management office of the San Mateo-Santa Cruz Unit of the California Department of Forestry and Fire Protection (CAL FIRE). Please see our comments below.

Tree Removal

Based on the project description and biological resources section provided in the NOP, the land proposed for this project is not classified “Timberland” as defined under Public Resources Code (PRC) section 4526. Therefore, a timberland conversion permit or conversion exemption would not be required prior to tree removal.

Fire Hazard

This project is located within the limits of the City of Scotts Valley. Compliance with all applicable Fire Codes pertaining to access, vegetation clearance and suppression needs for proposed facilities should be addressed by the Scotts Valley Fire District.

If you need any assistance or information, please call or write to the Resource Management Office at the above listed address or telephone number.

Sincerely,
Original on file in HQ

Richard Sampson
Division Chief - Forester II
Unit Forester and Environmental Coordinator
RPF #2422

Cc:
Chris Browder
California Department of Forestry and Fire Protection
Environmental Protection,
P.O. Box 944246
Sacramento CA 94244-2460

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



November 18, 2019

Paula Bradley
Scotts Valley, City of
1 Civic Center Drive
Scotts Valley, CA 95066

RE: SCH# 2019110250, Oak Creek Park Project, Santa Cruz County

Dear Ms. Bradley:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

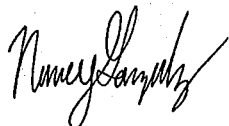
1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse

Re: EXTERNAL: Oak Creek Project - City of Scotts Valley -
SCH2019110250

Bradley, Paula

Fri 11/15/2019 11:42 AM

To: Sweigert, Jan@Waterboards <Jan.Sweigert@waterboards.ca.gov>;

Yes it will be served by SVWD and we have received a Can & Will serve letter. Let me know if you need anything else.

From: Sweigert, Jan@Waterboards <Jan.Sweigert@waterboards.ca.gov>
Sent: Friday, November 15, 2019 9:46:55 AM
To: Bradley, Paula <pbradley@mbakerintl.com>
Subject: EXTERNAL: Oak Creek Project - City of Scotts Valley - SCH2019110250

I received the NOP for the above project. I would like to verify if the project will be supplied drinking water from Scotts valley Water District.

Thanks,

Jan R. Sweigert, P.E.

District Engineer, Monterey Office
SWRCB Division of Drinking Water

Office: 831-655-6939 Direct Line: 831-655-6934

jan.sweigert@waterboards.ca.gov

EXTERNAL: 3640 Glen Canyon Rd - Oak Creek Park

PGE Plan Review <PGEPlanReview@pge.com>

Mon 11/18/2019 1:25 PM

To: Bradley, Paula <pbradley@mbakerintl.com>;

1 attachments (230 KB)

Initial_Response_Letter_11.18.2019.pdf;

Dear Ms. Bradley,

Thank you for submitting the 3640 Glen Canyon Rd - Oak Creek Park plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general information regarding PG&E facilities for your reference. **If you do not hear from us, within 45 days, you can assume we have no comments at this time.**

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Thank you,

Plan Review Team

6111 Bollinger Canyon Rd., 3rd Floor

Mail Code BR1Y3A

San Ramon, CA 94583

pgeplanreview@pge.com

*****This is a notification email only. Please do not reply to this message.***